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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,262	04/19/2000	Jerry Dunietz	03797.87364	4106
28319	7590	01/24/2005		
BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET, N.W. ELEVENTH STREET WASHINGTON, DC 20001-4597			EXAMINER SMITH, PETER J	
			ART UNIT 2176	PAPER NUMBER
DATE MAILED: 01/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/552,262	Applicant(s) DUNIETZ ET AL.	
	Examiner Peter J Smith	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

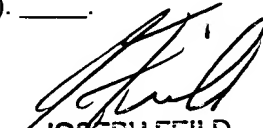
Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Regarding Applicant's argument in pages 7 and 8 that Murashita and Open eBook fail to teach the claimed limitation of "separating a tag from the content with a separation variable", the Examiner reiterates that this teaching is found in Murashita. The Examiner maintains the interpretation set forth in the previous Office Action the separation characters used by Murashita read upon the claim limitation. Regarding Applicant's argument in pages 8 and 9 that Murashita and Open eBook fail to teach the claimed limitation of "inserting at least one flag within the tag to form an encode tag structure", the Examiner reiterates that this teaching is taught by the combination of Murashita and Open eBook in that the metadata is information about the content of the publication which aids a computer in processing the document. Regarding Applicant's argument in pages 9-11 that Murashita and Open eBook fail to teach all of the limitations of claims 12 and 13, the Examiner believes the combination of Murashita and Open eBook does teach the claimed limitations. Open eBook teaches that the rendering device may determine how the document is displayed and presented to the user and thus teaches determining whether a portion is to be displayed for viewing by a reading device. Regarding Applicant's argument in pages 11 and 12 that Murashita and Open eBook do not teach the limitations of claim 16, the Examiner believes the claimed limitations are taught by the combination of these references. Murashita teaches inserting a markup alias into a document to replace markup tags. In order for Murashita to even function, Murashita must be able to identify and discriminate between markup alias data and document content. Regarding Applicant's arguments in page 16 that Murashita and Open eBook do not teach the limitations of claim 19, the Examiner believes the claimed limitations are taught by the combination of these references. Murashita teaches inserting a markup alias into a document to replace markup tags. In order for Murashita to even function, Murashita must be able to identify and discriminate between markup alias data and document content. Regarding Applicant's arguments in pages 13 and 14 that Murashita and Open eBook do not teach the limitations of claims 24 or 32, the Examiner believes the combination of the two references does teach the claimed limitations. The Open eBook document standard describes a structure for representing the content of electronic books. Regarding Applicant's arguments in pages 14 and 15 that Open eBook and Kucera do not teach the limitations of claims 10 and 11, the Examiner believes the combination of these two references does teach the claimed limitations. The metadata taught by Open eBook is information about the content of the publication which aids a computer in processing the document. Regarding Applicant's arguments in pages 15 and 16 that Open eBook and Edelman do not teach the limitations of claims 14 and 15, the Examiner believes the combination of the two references does teach the claimed limitations. Edelman teaches that the an element may be embedded within another element in col. 2 lines 45-50. Thus an element may be a portion or part of another element..